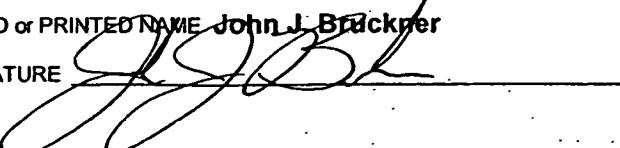


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10817759  
2390

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <small>(Only for nonprovisional applications under 37 CFR § 1.53(b))</small>		Attorney Docket No. <b>UBAT1110</b>
		First Inventor or Application Identifier <b>Stephen F. Smith, et al.</b>
		Title <b>HYBRID SPREAD SPECTRUM RADIO SYSTEM</b>
		Express Mail Label No. <b>EV338102546US</b>
<b>APPLICATION ELEMENTS</b> <small>See MPEP chapter 600 concerning utility patent application contents.</small>		<b>ADDRESS TO:</b> Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
<p>1. <input checked="" type="checkbox"/> Fee Transmittal for FY 2003 <i>(Submit an original and a duplicate for fee processing)</i></p> <p>2. <input checked="" type="checkbox"/> Specification [Total Pages] <b>43</b> <i>(preferred arrangement set forth below)</i> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Descriptive Title of the Invention</li> <li><input checked="" type="checkbox"/> Cross References to Related Applications</li> <li><input checked="" type="checkbox"/> Background of the Invention</li> <li><input checked="" type="checkbox"/> Summary of the Invention</li> <li><input checked="" type="checkbox"/> Brief Description of the Drawings (if filed)</li> <li><input checked="" type="checkbox"/> Description of Preferred Embodiments</li> <li><input type="checkbox"/> References</li> <li><input checked="" type="checkbox"/> Claim(s)</li> <li><input checked="" type="checkbox"/> Abstract of the Disclosure</li> </ul> </p> <p>3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets] <b>14</b></p> <p>4. <input type="checkbox"/> Oath or Declaration [Total Pages]      a. <input type="checkbox"/> Unexecuted (original or copy)      b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))  <i>(for continuation/divisional with Box 17 completed)</i> <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b>  <i>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)</i></li> </ul> </p> <p>5. <input type="checkbox"/> Incorporation By Reference (useable if box 4b is checked).      The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference therein.</p>		
<p>6. <input type="checkbox"/> Microfiche Computer Program (Appendix)</p> <p>7. <input type="checkbox"/> Nucleotide and Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Computer-Readable Copy</li> <li>b. <input type="checkbox"/> Paper Copy (identical to computer copy)</li> <li>c. <input type="checkbox"/> Statement verifying identity of above copies</li> </ul> </p>		
<b>ACCOMPANYING APPLICATION PARTS</b>		
<p>8. <input type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</p> <p>9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i></p> <p>10. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>12. <input type="checkbox"/> Preliminary Amendment</p> <p>13. <input checked="" type="checkbox"/> Return Receipt Postcard</p> <p>14. <input type="checkbox"/> Small Entity <input type="checkbox"/> Statement filed in prior application, Status still proper and desired</p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i></p> <p>16. <input checked="" type="checkbox"/> Other: Certificate of Mailing</p>		
<p>17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment</p> <p><input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-In-Part (CIP) of prior Application No. _____</p> <p>Prior application information: Examiner _____ Group / Art Unit _____</p> <p><input type="checkbox"/> Claims the benefit of Provisional Application No. _____</p>		
<b>CORRESPONDENCE ADDRESS:</b>		
Gray Cary Ware & Freidenrich LLP 1221 South MoPac Expressway, Suite 400 Austin, TX 78746-6875 Tel. (512) 457-7233 Fax. (512) 457-7001		Customer No. : <b>25094</b>

TYPED or PRINTED NAME **John J. Bruckner**SIGNATURE REGISTRATION NO. **35,816**DATE: **December 31, 2003**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 2046.00)

## Complete if Known

Application Number	Unknown
Filing Date	December 31, 2003
First Named Inventor	Stephen F. Smith, et al.
Examiner Name	Unknown
Art Unit	Unknown
Attorney Docket No.	UBAT1110

## METHOD OF PAYMENT (check all that apply)

 Check     Credit Card     Money Order     Other     None

Deposit Account Number	
Deposit Account Name	

The Commissioner is authorized to: (check all that apply)

- Charge (fees) indicated below.     Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application.  
 Charge fee(s) indicated below, except for filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1001	770	2001	375	Utility filing fee
1002	330	2002	165	Design filing fee
1003	520	2003	260	Plant filing fee
1004	750	2004	375	Reissue filing fee
1005	160	2005	80	Provisional filing fee
<b>SUBTOTAL (1) (\$ 770.00)</b>				

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below		Fee Paid
		Fee Code	Fee (\$)	
67	-20** =	47	X 18	= 846.00
Independent 8	-3** =	5	X 86	= 430.00
Claims				
Multiple Dependent		X		=

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid ** Reissue independent claims over original patent
1204	84	2204	42	** Reissue claims in excess of 20 and over original patent
1205	18	2205	9	
<b>SUBTOTAL (2) (\$ 1276.00)</b>				

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity    Small Entity

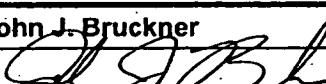
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,300	2453	650	Petition to revive – unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					

• Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	John J. Bruckner	Registration No. (Attorney/Agent)	35,816	Telephone	512-457-7233
Signature				Date	12/31/03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Gray Cary\AU4119947.1

Copied from 10817759 on 08/31/2004

<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>	
<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL"</b>	
Atty Docket No. (Optional) <b>UBAT1110</b>	
<b>Mail Stop Patent Application</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	In the Application of: <b>Stephen F. Smith, et al.</b>
	Date Filed: <b>December 31, 2003</b>
	Title: <b>HYBRID SPREAD SPECTRUM RADIO SYSTEM</b>
Sir:	

I hereby certify that the attached Utility Patent Application Transmittal Form, Fee Transmittal, Utility Patent Application, fourteen (14) pages of Drawings and Postcard are being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Certificate No. **EV338102546US**, on December 31, 2003 addressed to: **Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Respectfully submitted,  
**Gray Cary Ware & Freidenrich LLP**



Laura M. McGuire

**EV338102546US**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**COMMUNICATION REGARDING MISSING  
APPLICATION**

Atty. Docket. No.  
**UBAT1110**

In re Application of: **Stephen F. Smith et al.**

Application No.: **Unknown** Filed: **December 31, 2003**

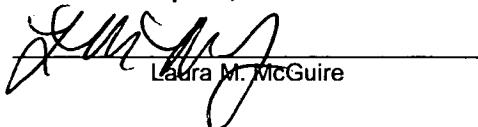
For: **Hybrid Spread Spectrum Radio System**

Group Art Unit: **Unknown** Confirmation No. **Unknown**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Certificate of Mailing Under C.F.R. 1.10**

I hereby certify that this document is being deposited with the U.S. Postal Service as Express Mail No. EV338102435US in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Washington, D.C. 20231 on April 2, 2004.



Laura M. McGuire

Dear Sir:

On December 31, 2003, the undersigned filed the above-referenced patent application (attorney docket no. UBAT1110) with the U.S. Patent and Trademark Office. Applicant has not yet received a date stamped postcard indicating this application's serial number. On April 1, 2004, Applicant performed a status inquiry on the above-noted application using the U.S. Patent Office's PAIR system. Applicant was unable to locate this application in the PAIR database.

A complete copy of the application as filed on December 31, 2003 is enclosed. Also enclosed as Appendix A is a copy of the U.S. Post Office stamped Express Mail Label No. EV338102546US receipt for the above-referenced application. Enclosed as Exhibit B is a tracking notification from official USPS records indicating that Applicant sent the above-referenced patent application (attorney docket no. UBAT1110) via Express Mail No. EV338102546US to the U.S. Patent and Trademark Office on December 31, 2003. It is noted that the USPS records indicate that the above-reference patent application was received and signed for by the U.S. Patent and Trademark Office on January 2, 2004.

Attorney Docket No.

UBAT1110

Customer ID 25094

Applicant hereby requests that the Commissioner for Patents grant a filing date of December 31, 2003, and an official serial number, to the above-referenced application (true and complete copy enclosed) and return the original stamped return postcard and/or the enclosed stamped return postcard evidencing the receipt of this application on December 31, 2003 together with the serial number for this application. Should there be any questions or concerns, please call the undersigned directly at (512) 457-7233.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich, LLP.

Respectfully submitted,

**Gray Cary Ware & Freidenrich LLP**

John J. Bruckner  
Reg. No. 35,816

Dated: April 2, 2004

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